

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: TERRY CHARLES POLITO and	:	CHAPTER 13
APRIL CAROLYN POLITO	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
TERRY CHARLES POLITO and	:	
APRIL CAROLYN POLITO	:	
Respondent(s)	:	CASE NO. 5-20-bk-02330

TRUSTEE’S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 19th day of October, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)’ plan for the following reason(s):

1. Debtor(s)’ plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtor has excess non-exempt equity in the following:

- a. Residential real estate
- b. Automobile (Dodge Ram)
- c. Personal property

2. The Trustee avers that debtor(s)’ plan is not feasible based upon the following:

- a. Secured claims not in plan. (Lakeview/M & T)
- b. Plan ambiguous – payment (§1A1)

3. Trustee avers that debtor(s)’ plan is not feasible and cannot be administered due to the lack of the following:

- a. Domestic support information.

4. The Trustee provides notice to the Court as to the ineffectiveness of debtor(s) Chapter 13 Plan for the following reasons:

- a. Clarification of vesting of property. (Upon discharge or closing)

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 27th day of October, 2020, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Bradley Weidenbaum, Esquire  
P.O. Box 721  
Broheadsville, PA 18235

/s/Deborah A. Behney  
Office of Charles J. DeHart, III  
Standing Chapter 13 Trustee